

A bill to be entitled "An act to provide for editing, illustrating, electrotyping, publishing, printing, binding, copyrighting and distributing a State series of school text books, and making appropriation therefor.

Read first time and referred to committee on Education.

By consent Senator Stephens introduced the following:

Senate bill No. 295, a bill to be entitled "An act to authorize the sale and conveyance of the Missouri, Kansas and Texas railway company's lines of railroad and properties within this state and certain lines of railroad heretofore operated by, or as the property of the Missouri, Kansas and Texas railway company, or as a part of the system of roads within this State known as the Missouri, Kansas and Texas railway, and to provide for and authorize the sale, transfer and conveyance of said lines of railroad to, and the purchase and operation thereof by a single corporation, company or association of persons, to be incorporated under the laws of this State, and to settle and dispose of certain pending suits brought by the State of Texas against said Missouri, Kansas and Texas railway company, wherein the powers, privileges and franchises granted it within the State are sought to be forfeited."

Read first time and referred to committee on Internal Improvements.

Senator Stephens also at the time of the introduction of the foregoing Senate bill No. 295, introduced and exhibited evidence of the publication of the notice given by the Missouri, Kansas and Texas railway company of its intention to apply to this Legislature for the passage of such special law, in compliance with and as required by the constitution and laws of this State.

Senator Pope called up Senate bill No. 206, entitled "An act to amend article 1685 of the revised civil statutes of the State of Texas concerning notice of special elections," for the purpose of concurring in House amendment.

The Senate concurred.

Senator Tyler moved to postpone pending business and take up out of its regular order Substitute Senate bills Nos. 108 and 150, entitled "An act to establish two additional normal schools in the State of Texas, to provide for their location, to provide for the acquisition of suitable grounds and buildings for the use of the same and to make an appropriation therefor."

Adopted, and bill pending on adjournment.

House bill No. 307, entitled "An act to

create the county of Sterling out of the county of Tom Green."

Read first time and referred to committee on Counties and County Boundaries.

Senator Carter moved to adjourn to 10 a. m. tomorrow, which prevailed by the following vote:

YEAS—16.

Atlee,	Harrison,	McKinney,
Carter,	Ingram,	Pope,
Clark,	Johnson,	Seale,
Crane,	Kearby,	Simkins,
Garwood,	Meatze,	Townsend.
Glasscock,		

NAYS—12.

Clemens,	Kimbrough,	Stephens,
Cranford,	Page,	Tyler,
Finch,	Potter,	Weisiger,
Frank,	Sims,	Whatley.

THIRTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, February 21, 1891. }

Senate met pursuant to adjournment
President Pro Tem Cranford in the chair.

Roll called.

Quorum present.

The following senators answering to their names:

PRESENT—21.

Clark,	Glasscock,	Potter,
Crane,	Johnson,	Seale,
Clemens,	Kearby,	Simkins,
Cranford,	Kimbrough,	Sims,
Finch,	Maetze,	Stephens,
Frank,	McKinney,	Tyler,
Garwood,	Page,	Weisiger.

ABSENT—4.

Atlee,	Ingram,	Pope.
Carter,		

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, on motion of Senator Seale the further reading of the same was dispensed with.

On motion of Senator Frank Senator Whatley was excused till next Friday on account of Legislative duties.

On motion of Senator Johnson Senator Harrison was excused till Tuesday on account of important business.

Senator Finch called attention to error in journal of yesterday in which Senator Lubbock's name was printed where his

should be in his announcement of a pair with that senator on Senator Crane's amendment which was ordered corrected.

By Senator Finch:

PETITIONS AND MEMORIALS.

A protest from the employes of the Texas and Pacific railway company at Marshall against the passage of the "Fellow Servant" bill.

COMMITTEE REPORTS.

COMMITTEE ROOM,
Austin, February 19, 1891.

Hon. George C. Pendleton, President of the Senate.

Sir—Your committee on Counties and County Boundaries, to whom was referred House bill No. 307, being "An act to create the county of Sterling out of the county of Tom Green,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STEPHENS, Chairman.

COMMITTEE ROOM,
Austin, February 20, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs to whom was referred

Senate bill No. 172, being "An act to provide an annual pension of one hundred and fifty dollars for M. B. Irwin, a surviving soldier of the Texas revolution,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass, with the following amendment:

Section 2. That on account of the dependant condition of the beneficiary herein, his aged and infirm condition, there exists an emergency and public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Respectfully submitted,

J. G. KEARBY,
Acting Chairman.

Read first time.

COMMITTEE ROOM,
Austin, February 20, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 281, being "An act entitled 'An act to amend article 2903, title 52, of the revised civil statutes of the State of Texas,'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.
KEARBY, Acting Chairman.

COMMITTEE ROOM,
Austin, February 20, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs to whom was referred

House bill No. 242, being "An act to authorize the transfer of the Confederate Home at Austin from private to State management and to establish said home as a State institution and provide for its support,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the following amendments:

Amend section 2, page 3, line 6, by striking out "five" and inserting "fifteen," and after the word "home," line 8 add the following: "and that the president and any four members of said board shall constitute a quorum for the transaction of business."

Amend section 8, page 6, line 14, by striking out the word "fifty" and substitute therefore the word "sixty," and add after the word "dollars" in the same line, the words "or so much thereof as may be necessary."

Amend section 8, page 6, line 18, by adding after the word "home" "for the two years ending March 1, 1893."

Further amend same section, line 24, by striking out all after the word "controller."

And as thus amended that the bill do pass.

All of which is respectfully submitted.
KEARBY, Acting Chairman.

COMMITTEE ROOM,
Austin, February 19, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Towns, Cities and Corporations, to whom was referred

House bill No. 339, being "An act to amend sections 10, 21, 28, 98, 150, 140, 158 and 161 of an act entitled "An act to incorporate the city of Dallas, and to grant it a new charter, approved March 13, 1889,""

Have had the same under consideration and I am instructed to report the same back to the House with the recommendation that it do pass.

POTTER, Chairman.

COMMITTEE ROOM,
Austin, February 20, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Towns, Cities and Corporations, to whom was referred Senate bill No. 288, being "An act to amend an act to incorporate the city of Waco and to define its boundaries and powers, approved February 19, 1889,"

Have had the same under consideration and I am instructed to report the same back to the House with the recommendation that it do pass with the following committee amendments:

Strike out of subdivision 21, line 1, the word "regulate;" also strike out the word "regulate" in line 7 of same section; also strike out subdivision 23; strike out the word "regulate" in subdivision 24, and also strike out the word "or" in same subdivision between the words punish and prohibit and insert in lieu thereof the word "and;" also strike out all after word "heed" in latter clause of section 21.

POTTER, Chairman.

COMMITTEE ROOM,
Austin, February 20, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 287, being "An act to define the term 'accident,' as used in accident insurance policies,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POPE, Chairman.

COMMITTEE ROOM,
Austin, February 20, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 146, being "An act to amend title 54, article 2979, of the revised civil statutes of the state of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

POPE, Chairman.

Read first time.

COMMITTEE ROOM,
Austin, February 20, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 280, being "An act au-

thorizing the county commissioners court of each county to appoint a commissioner of deeds to execute conveyances in the name of the county, of lands previously conveyed by such county, when the records of such deeds have been destroyed,"

Have had the same under consideration and instruct me to report the same back to the Senate with the recommendation that it do pass.

POPE, Chairman.

COMMITTEE ROOM,
Austin, February 20, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 279, being "An act to amend article 2219, title 38, chapter 2, of the revised statutes of the state of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POPE, Chairman.

COMMITTEE ROOM,
Austin, February 20, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred

House bill No. 52, being "An act to amend section 9 of an act entitled an act to require butchers and slaughterers of cattle to give a bond, and to prescribe penalties for the violation of the conditions of the same, and to prevent unlawful slaughtering and selling cattle, passed at the regular session of the Twenty first Legislature, and approved April 6, 1889,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Add to section 1 of the bill the words "Lampasas and Burnet."

POPE, Chairman.

COMMITTEE ROOM,
Austin, February 20, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 290, being "An act fixing the liabilities of banks and bankers, and providing for penalties for violation of the provisions of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommenda-

tion that it do pass, and to be considered with other bills on the same subject.

POPE, Chairman.

COMMITTEE ROOM, }
AUSTIN, February 20, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 275, being "An act to authorize the governor of the state of Texas to appoint a bank inspector of all banks other than national banks and to define his duties and provide for the payment of his fees therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and to be considered together with other bills on the same subject.

POPE, Chairman.

COMMITTEE ROOM, }
AUSTIN, Tex., Feb. 20, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

House bill No. 386, being "An act to define who are fellow servants and who are not fellow servants,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Section 3. No contract made between the employer and the employee, based upon the contingency of the injury or death of the employee limiting the liability of the employer under this act or fixing damages to be recovered shall ever be valid and binding.

POPE, Chairman.

COMMITTEE ROOM, }
AUSTIN, Tex., Feb. 29, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

Senate bill No. 145, being "An act to amend chapter 5, title 20, of the revised civil statutes, by adding article 110a,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

POPE, Chairman.

Read first time.

COMMITTEE ROOM, }
AUSTIN, Tex., Feb. 20, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your judiciary committee No. 1, to whom was referred

Senate bill No. 181, being "An act to amend article 2229, title 38, chapter 2, revised civil statutes of the state of Texas."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

POPE, Chairman.

Read first time.

COMMITTEE ROOM, }
AUSTIN, Feb. 20, 1891. }

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 182, being "An act to prescribe the manner of giving notice in the administration of estates and for the probate of wills and the sales of real estate and the return of exhibits and the partition and distribution of estate, and in all proceedings in the matter of guardianship and all other matter relating to proceedings in the county court in the matter of the estates of decedents and minors and for the repeal of articles 1839, 2071, 2101, 2140 and 2575, revised civil statutes, and all other articles in conflict with the provisions of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

POPE, Chairman.

Read first time.

BILLS AND RESOLUTIONS.

By Senator Garwood:

A bill to be entitled "An act to provide for independent school districts, and for the organization, maintenance and control of public free schools in the same and repealing all laws and parts of laws in conflict herewith."

Read first time and referred to committee on Education.

By Senator Frank:

A bill to be entitled "An act to authorize and empower the superintendent of the state penitentiaries of Texas to receive from the treasurer of the United States, in the name of the state of Texas, the bounty on sugar raised and manufactured on the state penitentiary convict farms in Texas."

Read first time and referred to committee on Penitentiaries.

By Senator Potter (by request).

A bill to be entitled "An act to provide for the incorporation of railway companies for the purpose of acquiring, owning, maintaining and op-

erating any line or lines of railway within this State, authorized by law to be sold, and to empower such companies when so organized to purchase and extend."

Read first time and referred to committee on Internal Improvements.

By Senator Kearby:

A bill to be entitled an act to pay judges of the supreme court, court of appeals, commission of appeals and district judges going to and returning from their courts, and from court to court, and to provide how the same is to be paid.

Read first time and referred to Judiciary committee No. 2.

Senator Glasscock announced that the Austin and Northwestern railroad would give an excursion to Marble Falls tomorrow, which would be free to members of the Legislature, and to all other persons tickets would be sold at \$1.50 for the round trip.

ORDER OF THE DAY.

Substitute Senate bills Nos. 108 and 150, entitled "An act to establish two additional normal schools in the State of Texas, to provide for their location, to provide for the acquisition of suitable grounds and buildings for the use of same and to make an appropriation therefor."

On second reading:

Bill read second time with favorable committee report.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
Austin, February 21, 1891.

Hon. Geo. C. Pendleton, President of the Senate;

Sir—I am instructed to inform you that Messrs. Melson, Hood of Fannin and Robison have been appointed a committee on the part of the House to visit and report the condition of the Agricultural and Mechanical College, the Sam Houston and Prairie View Normals and the State University. Also the appointment of Messrs. McKinney and Wurzbach a committee to visit the site of the Southwestern Lunatic Asylum in course of construction at San Antonio.

SAM H. DIXON,
Chief Clerk,
House of Representatives.

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE,
Austin, February 21, 1891. }
Hon. George C. Pendleton, President
of the Senate:

Sir—I am instructed to inform the Senate of the passage of

Substitute House bills Nos. 24 and 167, "An act to prohibit prize fighting and pugilism."

Respectfully,

SAM H. DIXON,
Chief Clerk House of Representatives.
HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, Tex.,
February 21, 1891. }

Hon. George C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senate of the passage of

Senate Substitute bills Nos. 85 and 93, "An act to amend chapter 1, title 17 of the revised civil statutes of the State of Texas, by the addition of article 340c thereto, with amendments.

SAM H. DIXON,
Chief Clerk House of Representatives
Senator Clark offered the following amendment to the pending bill:

Amend by striking out the words "Jim Hogg the present governor of Texas" in line 5, section 2, and inserting in lieu thereof "A. Sydney Johnston, the distinguished soldier, civilian and christian gentleman, who died upon the field of battle at Shiloh."

Adopted.

The substitute as amended was adopted as follows:

Substitute Senate bill Nos. 108 and 150, by committee.

A bill to be entitled "An act to establish two additional normal schools in the State of Texas; to provide for their location; to provide for the acquisition of suitable grounds and buildings for the use of the same, and to make an appropriation therefor.

February 2, 1891.—Substitute for Senate bill No. 108, reported favorably and read first time.

IN THE SENATE,

Section 1. Be it enacted by the Legislature of the State of Texas: That there shall be established and maintained two additional normal schools for the training of white teachers in the State of Texas.

Section 2. That one of said normal schools, to be known as the "Jim Hogg Normal School," in honor of the present Governor of Texas, shall be located at some suitable, healthy and convenient place in North Texas, to be selected in the manner herein provided.

Section 3. That the other of said normal schools, to be known as the "Ben McCulloch Normal School, in honor of General Ben McCulloch, who gallantly fell in the defense of his

country, shall be located at Salado, in Bell county, Texas, if within ninety days from the date of the adjournment of the present session of the Legislature of good and valid title of conveyance is tendered to the State of Texas, approved by the attorney general, vesting in the State of Texas, free of cost, the grounds and buildings known as the "Salado College," together with the furniture, fixtures, chemical and scientific apparatus and other appurtenances thereto (which have been offered to the State, free of cost, for said purpose); but if such title be not tendered and approved as aforesaid then said "Ben McCulloch Normal school" shall be located at some suitable, healthy and convenient place in central Texas, in the manner herein provided.

Section 4. It shall be the duty of the governor immediately on the taking effect of this act to appoint three disinterested persons of good character and judgment and qualified voters for members of the legislature as commissioners to select a location for said "Jim Hogg Normal School," and they shall immediately thereafter repair to that portion of the state in which said normal school is to be located and shall personally examine those places thought to be most suitable and from places so examined, to select the place for location of said normal school, having due regard for the welfare of the school, provided that no place shall be selected unless the land necessary for the school shall be donated to the State and a perfect title made thereto, and approved by the attorney general; but if such commissioners deem it best to locate said school at a place where buildings as well as land are offered therefor, upon conviction that some consideration be paid by the State for said buildings, they may do so, if the amount to be paid therefor shall not exceed the sum of four thousand dollars, (\$4,000,) and said commissioners shall each be paid at the rate of five dollars per day, not exceeding thirty days each, for the time actually occupied in the performance of their duties and their actual expenses incurred therein, which, together with the payment for said buildings, if any, shall be paid out of the moneys hereinafter appropriated, upon the sworn account of said commissioners, approved by the governor, and upon which the comptroller of public

accounts shall issue his warrants upon the treasurer.

Section 5. That should no tender be made to the State or the property known as "Salado College" according to the provisions of section 3 of this act, then the location of said "Ben McCulloch Normal school" therein made shall become inoperative, and said commissioners shall immediately proceed to select a suitable location therefor in Central Texas in accordance with the provisions of section 4 of this act, so far as the same are applicable, and in such event said commissioners shall be allowed not exceeding thirty days additional time in which to select such location at the same rate of compensation as hereinbefore provided.

Section 6. That when said commissioners have selected the place or places (as the case may be) for either or both of said schools, they shall at once report their actions in writing to the Governor.

Section 7. That it shall be the duty of the attorney general to examine and pass upon, as expeditiously as practicable, all titles and conveyances of property tendered to or purchased by the State under this act.

Section 8. That said two additional normal schools, when so located, shall be immediately put into operation, and shall be under the direction, supervision and control of the State board of education, and all laws heretofore enacted by the legislature, and all rules and regulations heretofore or hereafter made by said board of education in relation to the Sam Houston normal school shall apply to and govern the two additional normal schools hereby established.

Section 9. That the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

Section 10. That the large and increasing attendance upon our public schools, the scarcity of competent teachers therein, and the growing practice of importing teachers from other States better supplied with normal schools than Texas, creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force

from and after its passage, and it is so enacted.

Senator Stephens offered the following amendment:

Amend by adding in line 5, page 2, after the word "persons," the following: "Who shall not reside in North Texas."

Adopted.

Senator Potter offered the following amendment:

Amend by striking out the words "Jim Hogg," in line 7, page 2, and insert "A. Sydney Johnson."

Adopted.

Senator Frank offered the following amendment:

Amend section 4, page 2, line 21, by striking out the word "thirty," and inserting the word "twenty."

Adopted.

By consent Senator Potter sent up the following report:

COMMITTEE ROOM.

Austin, February 21, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Federal Relations, to whom was referred

House concurrent resolution No. —, approving the International fair at San Antonio,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be concurred in.

POTTER, Chairman.

Senator Frank offered the following amendment to the pending bill:

Amend by striking out the word "thirty" in line two, page 3, section 5 and insert the word "twenty."

Adopted.

Senator Townsend offered the following amendment:

Add at end of section three as follows:

That there shall also be established and maintained a normal school for the training of white teachers, the same to be located in southwest Texas (that is south of a line drawn east and west from Austin and west of the Colorado river. Said school to be called the "James F. Miller Normal School," in honor of Hon. James F. Miller of Gonzales, Texas, and the provisions, limitations and appropriations herein to govern said other two schools, to also be applicable and govern the establishment and maintenance of this school.

Adopted.

Senator Crane offered the following amendment.

Amend by striking out all of section 3, after the word county, in line 11 thereof.

Senator Tyler moved to lay the amendment on the table, which was adopted by the following vote:

YEAS—18.

Clark,	Glasscock,	Seale,
Clemens,	Johnson,	Simkins,
Cranford,	Kimbrough,	Sims,
Finch,	Maetze,	Stephen,
Frank,	McKinney,	Townsend,
Garwood,	Potter,	Tyler,

NAYS—3.

Atlee.	Crane,	Kearby.
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Senator Tyler moved to reconsider the vote by which Senator Townsend's amendment was adopted:

Senator Potter moved the previous question, which was seconded, and the main question ordered.

The motion to reconsider was adopted by the following vote:

YEAS—13.

Clark,	Frank,	Seale,
Clemens,	Maetze,	Sims,
Crane,	McKinney,	Stephens,
Cranford,	Potter,	Tyler.
Finch,		

NAYS—9.

Atlee,	Johnson,	Simkins,
Garwood,	Kearby,	Townsend,
Glasscock,	Kimbrough,	Weisiger,

The question recurring to the amendment of Senator Townsend.

Senator Kearby moved the previous question, which was ordered.

The amendment was adopted by the following vote.

YEAS—12.

Atlee,	Kearby,	Seale,
Garwood,	Kimbrough,	Stephens,
Glasscock,	McKinney,	Townsend,
Johnson,	Page,	Weisiger,

NAYS—10.

Clark,	Finch,	Potter,
Clemens,	Frank,	Simkins,
Crane,	Maetze,	Tyler.
Cranford,		

The question recurring to the engrossment of the bill it was ordered engrossed by the following vote:

YEAS—15.

Atlee.	Kearby	Seale.
Clark.	Kimbrough.	Stephens.
Garwood.	Maetze.	Townsend.
Glasscock	Page.	Tyler.
Johnson.	Potter.	Weisiger.

NAYS—7.

Clemens.	Cranford.	McKinney.
Crane	Finch.	Simkins.
		Sims

By consent the following reports were sent up:

COMMITTEE ROOM.

Austin, February 21, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 61, being "An act to repeal exception 3 to article 730, chap. 7, title 8, of the code of criminal procedure of the State of Texas, in relation to persons competent to testify in criminal actions and to permit to testify in prosecutions for seductions, the female alleged to have been seduced."

And find the same correctly engrossed.

SIMKINS, Acting Chairman.

COMMITTEE ROOM,

Austin, February 21, 1891.

Hon. Geo C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 2, being "An act to empower the State board of education to procure for use in the common schools of the State of Texas a series of text books, defining the duties of certain officers therein named with reference thereto, making appropriations therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency."

And find the same correctly engrossed.

SIMKINS, Acting Chairman.

Senator Tyler moved that the constitutional rule requiring a bill to be read on three several days be suspended and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Atlee,	Johnson,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Cranford,	Maetze,	Stephens,
Finch,	McKinney,	Townsend,
Frank,	Page,	Tyler,
Garwood,	Potter,	Weisiger,
Glasscock,		

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—16.

Atlee,	Johnson,	Potter,
Clark,	Kearby,	Seale,
Clemens,	Kimbrough,	Stephens,
Garwood,	Maetze,	Townsend,
Glasscock,	Page,	Tyler,
		Weisiger,

NAYS—6.

Cranford,	Frank,	Simkins,
Finch,	McKinney,	Sims,

Senator Johnson moved to reconsider, and to lay that motion on the table

Adopted.

Senator Frank moved to go into ex-

ecutive session, which was lost by the following vote:

YEAS—8.

Clemens,	Glasscock,	Simkins,
Finch,	Page,	Stephens,
Frank,	Seale,	

NAYS—14.

Atlee,	Johnson,	Potter,
Clark,	Kearby,	Sims,
Cranford,	Kimbrough,	Townsend,
Garwood,	Maetze,	Tyler,
	McKinney,	Weisiger,

Senator Sims moved to postpone pending business and take up out of its regular order. Senate bill No. 207.

Lost by the following vote:

YEAS—13.

Atlee,	Frank,	Seale,
Clemens,	Garwood,	Simkins,
Crane,	Page,	Sims,
Cranford,	Potter,	Stephens,
Finch,		

NAYS—9.

Clark,	Kearby,	McKinney,
Glasscock,	Kimbrough,	Tyler,
Johnson,	Maetze,	Weisiger,

Senator Kearby moved to postpone pending business and take up out of its regular order House bill No. 242 entitled "An act to authorize the transfer of the Confederate home at Austin from private to state management and to establish said home as a state institution and provide for its support."

Adopted by the following vote:

YEAS—18.

Atlee,	Glasscock,	Page,
Clark,	Johnson,	Potter,
Cranford,	Kearby,	Seale,
Finch,	Kimbrough,	Townsend,
Frank,	Maetze,	Tyler,
Garwood,	McKinney,	Weisiger,

NAYS—5.

Clemens,	Crane,	Sims,
	Simkins,	Stephens,

Bill read second time with a favorable committee report and the following amendments:

Amend section 3, page 3, line 6, by striking out "5" and inserting "15," and after the word "home," line 8, add the following, "and that the president and any four members of said board shall constitute a quorum for the transaction of business."

Amend section 8, page 6, line 14, by striking out the word "fifty" and substitute therefor the word "sixty," and add after the word "dollars" in the same line the words "or so much thereof as may be necessary."

Amend section 8, page 6, line 18, by adding after the word "home," "for the two years ending March 1, 1893."

Further amend same section, line 24, by striking out all after the word "comptroller."

The committee amendments were

adopted and the bill ordered engrossed.

Senator Kearby moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill do now pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Atlee,	Glasscock,	Potter,
Clark,	Johnson,	Seale,
Clemens,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Townsend,
Finch,	McKinney,	Tyler,
Frank,	Page,	Weisiger.
Garwood,		

The following messages were received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS, }
February 21, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senate that the House has passed *

House bill No. 142 "An act to fix the time for holding the district court in the Twenty-fourth judicial district."

Also Senate bill No. 217, "An act to create the county of Foard out of parts of Hardeman, King, Cottle and Knox counties, and to provide for its organization, with amendments.

SAM H. DIXON,

Chief Clerk, House of Representatives.

House bill No. 242 read third time and passed by the following vote:

YEAS—23.

Atlee,	Garwood,	Potter,
Carter,	Glasscock,	Seale,
Clark,	Johnson,	Simkins,
Clemens,	Kearby,	Stephens,
Crane,	Kimbrough,	Townsend,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger.
Frank,	Page,	

NAYS—None.

Senator Stephens moved to postpone pending business and take up out of its regular order

Senate bill No. 207, entitled "An act to amend article 4238 of the revised statutes of this State, as amended by an act approved April 8, 1889.

Adopted.

Bill read second time and pending on adjournment.

Senator Stephens moved to postpone pending business and take up Senate bill No. 217, entitled "An act to create the county of Foard out of parts of Hardeman, King, Cottle and Knox counties, and to provide for its organization.

Adopted.

Senator Stephens moved that the House amendments be concurred in.

Adopted.

The chair appointed the following committee under the resolution offered by Senator Simkins to have a joint committee of five each from the House and Senate, to prepare an amendment to the judiciary article of the constitution: Senators Simkins, Carter, Crane, Pope and Tyler.

On motion of Senator Page the Senate went into executive session.

(IN SENATE.)

Senator Kimbrough moved to postpone pending business and take up out of its regular order

House bill No. 339, entitled "An act to amend sections 10, 21, 28, 94, 120, 140, 158 and 161, of an act entitled "An act to incorporate the city of Dallas and grant it a new charter, approved March 13, 1889."

Adopted.

Senator Kimbrough moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a second reading.

Adopted by the following vote:

YEAS—22.

Atlee,	Glasscock,	Potter,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Maetze,	Townsend,
Cranford,	McKinney,	Tyler,
Finch,	Page,	Weisiger.
Frank,		

NAYS—None.

The bill was read a second time.

On motion of Senator Simkins Assistant Secretary Callaway was excused for next Monday and Tuesday on account of important business.

On motion of Senator Page, Assistant Engrossing Clerk Linn was excused for last Thursday on account of sickness in his family.

House bill No. 339 passed to a third reading.

Senator Kimbrough moved that the constitutional rule requiring a bill to be read on three several days be suspended and the bill put on its third reading and final passage.

Adopted by the following vote:

YEAS—22.

Atlee,	Frank,	Page,
Carter,	Glasscock,	Potter,
Clark,	Johnson,	Seale,
Clemens,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Townsend,
Finch,	McKinney,	Tyler,
		Weisiger.

Bill read third time and passed by the following vote:

YEAS—21.

Atlee,	Glasscock,	Potter,
Carter,	Johnson,	Seale,

Clemens,
Crane,
Cranford
Finch,
Frank,

Kearby,
Kimbrough,
Maetze,
McKinney,
Page,

Simkins,
Stephens,
Townsend,
Tyler,
Weisiger.

YAYS—None.

The chair gave notice of signing and signed in presence of the Senate, Senate bill No. 206 entitled an act to amend article 1685 of the revised statutes of the State of Texas, concerning notice of special elections.

Senator Clemens moved to postpone pending business and take up the following:

CONCURRENT RESOLUTION.

Whereas, It is the policy of the government of the United States to cultivate a reciprocity of good will, of trade relations and of intercourse with the Republics of the two Americas, and especially with the nearest neighbor, the Republic of Mexico, and

Whereas, The State of Texas is vitally interested in such policy, and

Whereas, By reason of the short distance of the city of San Antonio from the Mexican border, the facility in reaching it from that country; the trade and commerce between said city and the people of Mexico, and the social ties that exist between many of the inhabitants of said city and citizens of the Mexican states, the International fair held annually at San Antonio, Texas, by the International Fair association of said city, may become an important factor in promoting that feeling of friendship and confidence necessary to the establishment of reciprocal and beneficial trade relations between the two governments; therefore, be it

Resolved by the Legislature of the State of Texas:

First—That the State of Texas approves the International fair at San Antonio, Texas, as having for its object the exhibition of the products of Texas and Mexico, and the cultivation of amity and commerce between the people of both countries.

Second—Resolved further, that the object of the said International fair at San Antonio, Texas, is commended to the notice of the government of the United States for such recognition and encouragement as it may deem proper to give.

The motion prevailed and the resolution was adopted.

House bill No. 142, entitled "An act to fix the time for holding the district court in the Twenty-fourth judicial district,"

Read first time and referred to committee on Judicial Districts.

Substitute House bills Nos. 24 and 167, entitled "An act to prohibit prize fighting and pugilism,"

Read first time and referred to Judiciary committee No. 2.

The following appointments by His Excellency, the Governor, were announced as confirmed by the Senate.

E. B. Smythe, A. P. Wooldridge and F. R. Lubbock to be commissioners of the State penitentiaries.

On motion of Senator Kimbrough Journal Clerk Brown was excused for today on account of important business.

Senator Seale moved to adjourn until 10 a. m. Monday.

Senator Johnson moved to adjourn to 10 a. m. Tuesday.

Lost.

The motion of Senator Seale was adopted.

THIRTY-FIFTH DAY.

SENATE CHAMBER.

AUSTIN, Texas, Feb. 23, 1891. }

Senate met pursuant to adjournment. Lieutenant Governor Pendleton in the chair.

Roll call.

Quorum present.

The following Senators answering to their names:

PRESENT—24.

Atlee,	Garwood,	McKinney,
Carter,	Glasscock,	Page,
Clark,	Ingram,	Pope,
Clemens,	Johnson,	Potter,
Crane,	Kearby,	Seale,
Cranford,	Kimbrough,	Simkins,
Finch,	Lubbock,	Stephens,
Frank,	Maetze,	Tyler,
		Weisiger.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal Senator Stephens moved that further reading of the same be dispensed with.

PETITIONS AND MEMORIALS.

By Senator Garwood:

Petition by citizens of Fayette county favoring the repeal of the Sunday law, and asking that the sacred American rights of religious liberty, warranted by the constitution be allowed to prevail in this county and no legislation on religious subjects, as in foreign countries, be tolerated in Texas.

Read first time and referred to committee on State Affairs.

Senator Tyler called attention to error in Journal of Saturday, page 7, line 4, of the Journal the word county should read country.

Journal ordered corrected.